

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: RHEA RADFORD

DEBTOR

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§

CASE NO. 24-30502

CHAPTER 13

EMERGENCY MOTION TO VACATE ORDER OF DISMISSAL

[This Motion Relates to Docket #69 Filed on June 18, 2024]

THIS MOTION SEEKS ENTRY OF AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. IF THE COURT CONSIDERS THE MOTION ON AN EXPEDITED BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE RELIEF REQUESTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

EMERGENCY RELIEF IS NEEDED BY June 19, 2024

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Rhea Radford (“Debtor”) files this Emergency Motion to Vacate Order of Dismissal and in support thereof would show the Court as follows:

I.

Debtor filed a Petition under Chapter 13 of the Bankruptcy Code on February 2, 2024. David G. Peake has been appointed Chapter 13 Trustee.

II.

On or about June 18, 2024, the Clerk's office dismissed Debtor's Chapter 13 Bankruptcy case for failure to appear.

III.

Debtor's Counsel was attending a hearing in Williamson County and Couldn't recess in time to ask to be recalled. Failure to appear was not because of either neglect or intentional disregard for the rules and procedures of the Court.

Emergency Consideration: Debtor requests emergency consideration of this motion to vacate the dismissal order because Debtor is currently without the protection afforded to her under the Code.

WHEREFORE, Debtor, Rhea Radford, requests the Court to reconsider the dismissal and to grant an order vacating the order of dismissal of her Chapter 13 case.

Debtor prays for such other relief both general and special at law in equity, to which she is entitled to receive.

Dated: June 18, 2024

Respectfully submitted,

/s/ Aaron W. McCardell Sr.

Aaron W. McCardell Sr.

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Emergency Motion to Vacate Order of Dismissal of Chapter 13 Case has been sent by via electronic service, fax, or regular mail to those listed on the Service List, attached hereto, including all parties requesting notice on this 18th day of June 2024.

/s/ Aaron W. McCardell Sr.

Aaron W. McCardell Sr.